

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: AR 313 (10/27/02)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 313 DISMISSAL OF PROBATIONARY AND TRIAL PERIOD EMPLOYEES TEMP	EFFECTIVE DATE: 12/17/03

TABLE OF CONTENTS

	<u>PURPOSE</u>	
	<u>AUTHORITY</u>	
	<u>RESPONSIBILITY</u>	
	<u>DEFINITIONS</u>	
	<u>APPLICABILITY</u>	
	<u>PROCEDURES</u>	
<u>313.01</u>	DISMISSAL OF A PROBATIONARY EMPLOYEE	
<u>313.02</u>	DISMISSAL OF A TRIAL PERIOD EMPLOYEE	
	<u>REFERENCES</u>	
	<u>ATTACHMENTS</u>	
	<u>MANDATORY REVISION DATE</u>	<u>10/27/04</u>

PURPOSE

To provide specific guidelines and direction regarding the dismissal of probationary and trial period employees.

AUTHORITY

NRS 209.131
NRS 284.290
NRS 284.300
NAC 284.458
NAC 284.462
NAC 284.468

RESPONSIBILITY

It is the responsibility of each Appointing Authority to ensure work performance standards are established on each new employee.

The Department is responsible to ensure that any probationary or trial period employee whose conduct or work performance is found to be unsatisfactory shall be immediately rejected from their position.

Each supervisor is responsible to ensure employees are knowledgeable of their expected work performance.

DEFINITIONS

APPOINTING AUTHORITIES – Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing Authorities may include Assistant Directors, Medical Director, Wardens, and Correctional Programs Division Administrator.

DEPARTMENT – The Nevada Department of Corrections.

DEPARTMENT PERSONNEL DIVISION – The Personnel Division within the Nevada Department of Corrections.

DEPARTMENT PERSONNEL OFFICER – The administrative officer in charge of the Department's Personnel Division.

DIRECTOR – The Director of the Nevada Department of Corrections.

DIVISION HEADS – Those individuals responsible for the major divisions of the Department; such as Personnel, EEO/Professional Development, Inmates Services, Fiscal, Inspector Generals Office, Procurement, Accounting, Offender Management, Stores, Medical.

FAILURE TO DISCHARGE DUTIES – Failure to perform duties described in work performance standards or as assigned by the Warden/Division Head.

PROBATIONARY EMPLOYEE – An employee who has not attained permanent status in any class they have held during continuous classified service.

PROBATIONARY PERIOD – A period of time in which an employee's performance is evaluated prior to obtaining permanent status.

REJECTION – Termination of employment with the Department of Corrections at any time during probationary period.

REPORT OF PERFORMANCE – The written report by which the employee is officially advised of their current level of performance in relation to the established Work Performance Standards for their position.

SUPERVISOR – An employee of the Department that provides supervision and has first line supervisory authority, and is responsible for the performance and evaluation of subordinate employees. These employees are within the direct chain of supervision, scope and authority.

TRIAL PERIOD – Any probationary period that is required of a permanent employee because of a promotion.

UNSATISFACTORY WORK PERFORMANCE OR CONDUCT – Job performance, which does not meet the standards and expectations of the Department or personal conduct, which brings discredit to the Department by the probationary employee.

WORK PERFORMANCE STANDARD – A written statement of the principal assignments and responsibilities of an employee and the results expected by both the supervisor and subordinate. Performance standards may include, but are not limited to, quantity and quality of work, attendance, judgment, ability to communicate, and dependability. These standards are utilized to evaluate an employee's work performance.

APPLICABILITY

This regulation applies to all classified employees of the Department.

PROCEDURES

313.01 DISMISSAL OF A PROBATIONARY EMPLOYEE

1.1 A probationary period provides management an opportunity to evaluate an employee's total job performance and conduct before becoming a permanent employee.

1.1.1 A probationary period does not create a contractual relationship between the employee and employer.

1.2 During a probationary period, an employee may be rejected for any lawful reason, as determined by the appointing authority. **(3-4057)**

1.3 A rejected employee has no appeal rights.

1.4 The rejection of an employee during the probationary period may occur only after the supervisor through the appropriate chain of command provides written documentation concerning the employee's work performance or conduct to the Warden/Division Head.

1.4.1 The Warden/Division Head may recommend in writing the rejection of a probationary employee to the Department Personnel Officer.

1.4.2 The Department Personnel Officer may review the rejection with the Appointing Authority.

1.4.2.1 The Department Personnel Division will generate the final rejection Letter, DOC-1077 for the Warden/Division Head signature.

- Upon signature, a copy of the Form DOC-1077 letter will be distributed to the Department Personnel Division.
- The outlying personnel offices are responsible for forwarding a copy of the signed rejection letter to the Department Personnel Officer.

1.4.2.2 The Warden/Division Head is responsible for serving the final rejection letter to the employee.

- The employee will be referred to the designated personnel office to process termination paperwork.

1.5 Employee participation in the Pre-Service Training Program is mandatory. It is a condition of employment. Failure to fulfill training regulations is grounds for rejection for probationary employees.

313.02 DISMISSAL AND RESTORATION OF A TRIAL PERIOD EMPLOYEE

1.1 Any promotional appointee who fails to attain permanent status in the position to which promoted, or who is dismissed for cause other than misconduct or delinquency, either during the trial period or at the conclusion thereof, shall be restored to the position from which promoted.

1.2 When the Department is effecting the restoration of a trial period employee the Department Personnel Division must give written notice to the agency from which the employee was promoted at least 30 days before the effective date.

1.3 The Warden/Division Head may recommend in writing the dismissal and restoration of a trial period employee to the Department Personnel Officer for review.

1.3.1 The Department Personnel Officer may review the dismissal with the Appointing Authority.

1.3.1.1 The Department Personnel Division will generate the Agency Restoration of Promoted Employee Letter, DOC-1080, and the Restoration of Trial Period Employee Letter, DOC-1079.

- If a trial period employee is being restored to a previous position, within the Department, that is currently filled, the Department Personnel Division will generate a Restoration of Promoted Employee Letter, DOC-1078.
- Upon signature, a copy of the employee restoration letter(s) will be distributed to the Department Personnel Division.

1.3.1.2 The Warden/Division Head is responsible for serving the restoration

letter to the employee.

- The employees affected will be referred to the Department Personnel Division to process necessary paperwork.

1.4 The Department taking action to restore the employee to his former position is liable for the payment of the employee during this 30-day period unless the receiving agency agrees to accept the employee before the expiration of that period.

1.5 An employee serving a trial period may not use the grievance procedure to appeal the decision by the Appointing Authority to reject the employee during their trial period.

1.6 A demotion from a trial period status in a higher class to the former lower level class may not be appealed.

1.7 Employee participation in the Pre-Service Training Program is mandatory. It is a condition of employment. Failure to fulfill training regulations is grounds for dismissal of trial period employees.

REFERENCES

ACA Standard 3-4057

ATTACHMENTS

Reject Letter Probationary Employee, DOC-1077

Agency Restoration of Promoted Employee, DOC-1080

Restoration of Trial Period Employee, DOC-1079

Restoration of Promoted Employee, (Notification Incumbent), DOC-1078

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

XX
No

THIS PROCEDURE SUPERCEDES ALL PRIOR PROCEDURES ON THIS SPECIFIC SUBJECT.